

Baker Hostetler

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2009 JAN -5 AM 7:24

OFFICE OF GENERAL
COUNSEL

December 23, 2008

BakerHostetler LLP

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Federal Election Commission
Office of the General Counsel
999 E Street, N.W.
Washington, DC 20463
Attn: Frankie D. Hampton

Re: MUR 6240

Dear Mr. Hampton:

This letter is in response to the Federal Election Commission's ("Commission") letter of December 16, 2008, notifying Congressman Steve Austria, Eileen Austria and Dave Hobson that the Commission had received a complaint indicating that they may have violated the Federal Election Campaign Act of 1971, as amended ("Act").¹ I have been retained to represent these individuals.² Your letter enclosed a copy of a letter dated November 27, 2008, from a John Mitchel to the Commission which purports to be a complaint.

The Commission's enforcement process is limited to matters involving possible violations of the Act. Any person who believes that a violation of the Act or regulations issued by the Commission has occurred may file a complaint with the Commission.³ However, the Commission has no jurisdiction to consider allegations of violations of any other provisions of federal law.

Mr. Mitchel's letter makes no allegation of any violation or potential violation of the Act. The three specific allegations in the Mitchel's letter raise no issues in regard to compliance with the Act. The Commission's regulations require that a complaint should contain a clear and concise recitation of facts which describe a violation of a statute or regulation over which the Commission has jurisdiction.⁴ The Commission has no role or responsibility in regard to congressional financial disclosure reports which appear to be the basis for two of Mr. Mitchel's three allegations. The third allegation is a "violation" of an unnamed or referenced federal law by Congressman Austria because of the appearance of "military members in uniform" on a website.

¹ 2 U.S.C. § 431 et seq.

² Because of holiday travel schedules, original Designation of Counsel forms will be provided at a later date.

³ 11 C.F.R. § 101.4.

⁴ 11 C.F.R. § 111.4(d)(3).

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Office of the General Counsel
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For these reasons, the Commission should not take any action against Congressman Austria, Ms. Austria or Dave Hobson in regard to this matters and should promptly close this MUR.

If you should have any additional questions concerning this matter, please do not hesitate to contact me.

Sincerely,



E. Mark Braden

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FEDERAL ELECTION COMMISSION
999 E Street, N.W.
Washington, DC 20463

STATEMENT OF DESIGNATION OF COUNSEL

Please use one form for each Respondent/Client
Fax (202) 218-3533

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FEDERAL ELECTION
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2009 JAN 12 AM 8:28
OFFICE OF GENERAL
COUNSEL

MUR # 6240

NAME OF COUNSEL: E. Mark Braden

FIRM: Baker & Hostetler LLP

ADDRESS: 1050 Connecticut Avenue, N.W.
Suite 1100
Washington, DC 20036

Telephone: (202) 861-1504
Fax: (202) 861-1783

The above-named individual and/or firm is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

12/22/09
Date

Eileen F. Austin
Respondent/Client Signature

Self
Title

RESPONDENT/CLIENT: Eileen Austria

MAILING ADDRESS:

TELEPHONE: BUSINESS: (307) 428-5230
HOME: _____

Information is being sought as part of an investigation being conducted by the Federal Election Commission and the confidentiality provisions of 2 U.S.C. § 4375(a)(1)(A) apply. This notice prohibits making public any investigation conducted by the Federal Election Commission without the express written consent of the person under investigation.
10/12/2008

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FEDERAL ELECTION COMMISSION
999 E Street, N.W.
Washington, DC 20463

RECEIVED
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2010 JAN 12 PM 2:08
OFFICE OF GENERAL
COUNSEL

STATEMENT OF DESIGNATION OF COUNSEL

Please use one form for each Respondent/Client
Fax (202) 219-3923

MUR # 6240

NAME OF COUNSEL: E. Mark Braden

FIRM: Baker & Hostetler LLP

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Telephone: (202) 861-1504
Fax: (202) 861-1783

The above-named individual and/or firm is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

1-8-2010
Date

[Signature]
Respondent/Client Signature

Congressman
Title

RESPONDENT/CLIENT: Steve Austria

MAILING ADDRESS: New Jersey and Independence Avenues, S.E.
Room 1841 LHOB
Washington, DC 20515

TELEPHONE: BUSINESS: (202) 225-1284
HOME:

Information is being sought as part of an investigation being conducted by the Federal Election Commission and the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) apply. This section prohibits making public any investigation conducted by the Federal Election Commission without the express written consent of the person under investigation.
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